

JUNE 4, 2012
REGULAR PARMA CITY COUNCIL MEETING
PARMA CITY HALL COUNCIL CHAMBERS
7:00 PM

The Regular Council Meeting was called to order by President of Council Pro Tem Roy J. Jech presiding:

COUNCIL MEMBERS PRESENT:	BRIAN DAY ALLAN DIVIS MARY GALINAS ROY J. JECH DEBORAH LIME LARRY NAPOLI SCOTT M. TUMA BRIAN BROCHETTI MARK CASSELBERRY
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COUNCIL MEMBERS EXCUSED:	COUNCIL PRESIDENT SEAN BRENNAN
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Mr. Ramser – Mr. President, the Roll of Council has been called and I find a quorum of Council members present. The following officials and department heads were also present: Law Director Timothy Dobeck, Auditor Dennis Kish, Treasurer Tom Mastroianni, Service Director Brian Higgins, Safety Director Gregory Baeppler, Building Commissioner/City Engineer Paul Deichmann, Communications and Community Relations Director Jeannie Roberts, Recreation Director Mickey Vittardi, Community Development Director Erik Tollerup, Chief of Staff Michael Culp, Economic Development Officer/Grant Writer Shelley Cullins, Director of Public Housing Lev Kulchytsky and Clerk of Council Kenneth Ramser.

INVOCATION

The Invocation was given by Clerk of Council Kenneth A. Ramser

PLEDGE OF ALLEGIANCE

VOICE VOTE

RESOLUTION NO. 113-12	6/4/12	L-113-12
BY: All Members of Council		

A RESOLUTION HONORING PAST GAVELERS ASSOCIATION OF PARMA
ON THEIR 45TH ANNIVERSARY

Motion made by Councilman Day, seconded by Councilman Tuma to adopt Resolution No. 113-12. Motion carried.

RESOLUTION NO. 115-12

6/4/12

L-115-12

By: Deborah Lime and the rest of Council

**A RESOLUTION HONORING BETHANY LUTHERAN SCHOOL 2012 ZERO
WASTE CHALLENGE WINNERS**

Motion made by Councilman Day, seconded by Councilman Tuma to adopt Resolution No. 115-12. Motion carried.

Councilwoman Lime presented the Resolution to the Bethany Lutheran School Student Council and also presented them with Certificates from the Law Director and Treasurer and Proclamation from the Mayor.

LEGISLATIVE COMMENT

Mr. Jech – Asked if anyone from the public would like to comment on any legislation that Council will be taking final action on tonight. No one wished to comment.

DISPOSAL OF JOURNAL

Mr. Jech – Stated, we have the Minutes from the May 21, 2012, Regular Council Meeting. He asked if there were any additions or corrections to the Minutes. Stated, hearing none, the Minutes will stand approved as printed.

COMMUNICATIONS, PETITIONS AND CLAIMS

Mr. Brochetti: Mr. Chairman the Planning Committee of Council met this evening to consider the proposal to Vary for the applicant Mr. Michael W. Kidney, 4102 Liggett Drive, on PPN 444-30-083. The request is for a “Use” variance of Section 1153.02 – Single Family House Districts – Principal Uses and Buildings. The request is to rebuild a current legal non-confirming two-family in a single-family house district, no building or premises shall be erected, used, arranged or designed to be used, in whole or part, for other than single-family detached dwellings. Proposing to sell their legal, non-confirming two-family structure, which would require variance to allow rebuilding of two-family structure if destroyed. Mortgage company will not allow loan without variance. There is a stipulation that the property owner (Mr. Kidney) submits a check by Wednesday, May 9, to the Building Department to cover the cost of Legal Advertising done in accordance with the City Ordinance in the amount of \$108.68, which he did.

I make a motion to grant the variance to Mr. Kidney as recommended by the Board of Zoning Appeals and the Planning Committee of Council. Seconded by Councilman Day. Motion carried. Variance is granted with stipulation.

Mr. Ramser – Council office is in receipt of the 2011 Annual Report which will be filed for the public’s perusal.

FIRST READING:

RESOLUTION NO. 117-12

6/4/12

L-117-12

By: S.M. Tuma

(By Request – Auditor)

A RESOLUTION ADOPTING THE TAX BUDGET OF THE CITY OF PARMA,
OHIO, FOR THE YEAR 2013 AND DECLARING AN EMERGENCY

Mr. Day – Said Resolution shall be referred to the Finance Committee.

SECOND READING:

RESOLUTION NO. 106-12

5/21/12

L-106-12

By: B. Brochetti

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF
PUBLIC SAFETY TO ISSUE A PERMIT TO TRANSPORT INTO THE
TERRITORIAL LIMITS OF THE CITY OF PARMA, FIREWORKS AND
FIREWORK SUNDRIES FOR A PYROTECHNIC DISPLAY IN CONJUNCTION
WITH THE HOLY FAMILY PARISH FESTIVAL AND DECLARING AN
EMERGENCY

Motion made by Councilman Day, seconded by Councilman Tuma to refer back to
the Public Safety Committee. Motion carried.

THIRD READING:

ORDINANCE NO. 11-12

2/6/12

L-11-12

**By: R.J. Jech, M. Galinas, B. Day, A. Divis, L. Napoli, B. Brochetti,
M. Casselberry**

(By Request – Recreation Director)

AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF
PUBLIC SERVICE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING
WITH THE CITY OF SEVEN HILLS FOR SHARED RECREATION FACILITIES
AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilwoman Galinas to amend
Ordinance No. 11-12 by attaching Exhibit A. Further moved to waive Rule 52 and
place Ordinance No. 11-12 on Third Reading as amended. Motion carried.

Motion made by Councilman Day, seconded by Councilman Tuma to adopt amended
Ordinance No. 11-12.

Yes: Day, Divis, Galinas, Jech, Lime, Napoli, Tuma, Brochetti, Casselberry.

No : None; Ordinance No. 11-12 is adopted as amended.

ORDINANCE NO. 84-12

5/7/12

L-84-12

By: S. M. Tuma

(By Request – Service Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE
TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER
FOR THE 2012 PAVEMENT MAINTENANCE PROGRAM AND DECLARING
AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day to amend Ordinance No. 84-12 by filling in the first blank in Section 1 with “Crossroads Asphalt & Recycling” at the bid price to be “\$189,540.00”. Further moved to waive Rule 52 and place Ordinance No. 84-12 on Third Reading as amended. Motion carried.

Motion made by Councilman Day seconded by Councilwoman Galinas to adopt amended Ordinance No. 84-12.

Yes: Day, Divis, Galinas, Jech, Lime, Napoli, Tuma, Brochetti, Casselberry.

No : None; Ordinance No. 84-12 is adopted as amended.

ORDINANCE NO. 85-12

5/7/12

L-85-12

**By: S. M. Tuma, D. Lime, L. Napoli, R.J. Jech, M. Galinas, A. Divis, B. Day,
M. Casselberry, B. Brochetti**

(By Request – Service Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE
TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER
FOR THE PURCHASE OF TACK COAT AND PRIME COAT AND DECLARING
AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day to amend Ordinance No. 85-12 by filling in the first blank in Section 1 with “Crossroads Asphalt & Recycling” at the bid price to be “\$53,850.00”. Further moved to waive Rule 52 and place Ordinance No. 85-12 on Third Reading as amended. Motion carried.

Motion made by Councilman Day seconded by Councilman Tuma to adopt amended Ordinance No. 85-12.

Yes: Day, Divis, Galinas, Jech, Lime, Napoli, Tuma, Brochetti, Casselberry.

No : None; Ordinance No. 85-12 is adopted as amended.

ORDINANCE NO. 86-12

5/7/12

L-86-12

By: S. M. Tuma

(By Request – Service Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE
TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER
FOR ASPHALT PLANING AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day to amend Ordinance No. 86-12 by filling in the first blank in Section 1 with "Tenmile Creek Excavating, LLC" at the bid price to be "\$117,600.00". Further moved to waive Rule 52 and place Ordinance No. 86-12 on Third Reading as amended. Motion carried.

Motion made by Councilman Day seconded by Councilman Tuma to adopt amended Ordinance No. 86-12.

Yes: Day, Divis, Galinas, Jech, Lime, Napoli, Tuma, Brochetti, Casselberry.

No : None; Ordinance No. 86-12 is adopted as amended.

ORDINANCE NO. 87-12

5/7/12

L-87-12

By: S. M. Tuma

(By Request – Service Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE
TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER
FOR THE PURCHASE OF ASPHALT CONCRETE AND DECLARING AN
EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day to amend Ordinance No. 87-12 by filling in the first blank in Section 1 with "The Shelly Company/Allied Corporation" at the bid price to be "\$1,029,500.00". Further moved to waive Rule 52 and place Ordinance No. 87-12 on Third Reading as amended. Motion carried.

Motion made by Councilman Day seconded by Councilman Tuma to adopt amended Ordinance No. 87-12.

Yes: Day, Divis, Galinas, Jech, Lime, Napoli, Tuma, Brochetti, Casselberry.

No : None; Ordinance No. 87-12 is adopted as amended.

ORDINANCE NO. 88-12

5/7/12

L-88-12

By: S. Tuma

(By Request – Service Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE
TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER
FOR THE PURCHASE OF LIMESTONE AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day to amend Ordinance No. 88-12 by filling in the first blank in Section 1 with "National Lime & Stone" at the bid price to be "\$42,750.00". Further moved to waive Rule 52 and place Ordinance No. 88-12 on Third Reading as amended. Motion carried.

Motion made by Councilman Day seconded by Councilman Tuma to adopt amended Ordinance No. 88-12.

Yes: Day, Divis, Galinas, Jech, Lime, Napoli, Tuma, Brochetti, Casselberry.

No : None; Ordinance No. 88-12 is adopted as amended.

ORDINANCE NO. 89-12

5/7/12

L-89-12

By: S. M. Tuma

(By Request – Service Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE
TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER
FOR THE PURCHASE OF CONCRETE AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day to amend Ordinance No. 89-12 by filling in the first blank in Section 1 with “Cuyahoga Concrete Co.” at the bid price to be see attached schedule”. Further moved to waive Rule 52 and place Ordinance No. 89-12 on Third Reading as amended. Motion carried.

Motion made by Councilman Day seconded by Councilman Tuma to adopt amended Ordinance No. 89-12.

Yes: Day, Divis, Galinas, Jech, Lime, Napoli, Tuma, Brochetti, Casselberry.

No : None; Ordinance No. 89-12 is adopted as amended.

SUSPENSION OF THE RULES:

Mr. Jech – Shall the statutory provision and Rule 48 requiring the full and distinct reading of Ordinance No. 104-12, Resolution No. 112-12, Resolution No. 114-12, Ordinance No. 116-12, Ordinance No. 118-12 and Ordinance No. 119-12 on three different days be dispensed with?

Yes: Day, Divis, Galinas, Jech, Lime, Napoli, Tuma, Brochetti, Casselberry

No: None; motion carried.

Mr. Jech – Shall Rule 45 requiring reference to committee be dispensed with and Ordinance No. 104-12, Resolution No. 112-12, Resolution No. 114-12, Ordinance No. 116-12, Ordinance No. 118-12 and Ordinance No. 119-12 be placed on final passage?

Yes: Day, Divis, Galinas, Jech, Lime, Napoli, Tuma, Brochetti, Casselberry

No: None; motion carried.

ORDINANCE NO. 104-12

6/4/12

L-104-12

By: S.M. Tuma, M. Galinas, L. Napoli, B. Brochetti, M. Casselberry, A. Divis

(By Request – Service Director)

AN ORDINANCE TO AMEND A PORTION OF SUBSECTION (b) “RECREATION
DEPARTMENT” OF SECTION 185.05 “FEES OF THE DIRECTOR OF PUBLIC
SERVICE OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA
RELATIVE TO ESTABLISHING FEES FOR THE RIDGEWOOD GOLF COURSE,
THE SWIMMING POOLS, AND THE MICHAEL RIES ICE RINK FOR SEVEN
HILLS RESIDENTS AND DECLARING AN EMERGENCY

Motion made by Councilman Day, seconded by Councilman Tuma to adopt Ordinance No.104-12.

Yes: Day, Divis, Galinas, Jech, Lime, Napoli, Tuma, Brochetti, Casselberry

No: None; motion carried. Ordinance No 104-12 is adopted.

RESOLUTION NO. 112-12

6/4/12

L-112-12

By: B. Day, B. Brochetti, M. Casselberry, A. Divis, M. Galinas, R.J. Jech,
D. Lime, L. Napoli, S. Tuma
(By Request – Building Commissioner)

A RESOLUTION REQUESTING THE BUILDING COMMISSIONER TO
INSTITUTE SUMMARY NUISANCE ABATEMENT OF PERMANENT
PARCEL NUMBER 444-04-121, 3445 BROOKPARK ROAD, PARMA,
OHIO AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day to adopt Resolution No. 112-12.

Yes: Day, Divis, Galinas, Jech, Lime, Napoli, Tuma, Brochetti, Casselberry

No: None; motion carried. Resolution No. 112-12 is adopted.

RESOLUTION NO. 114-12

6/4/12

L-114-12

By: S.M. Tuma
(By Request – Auditor)

A RESOLUTION APPROVING THE CITY AUDITOR’S POST CERTIFICATION
OF REQUISITIONS AS DETAILED IN EXHIBIT “A” AND DECLARING AN
EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day to adopt Resolution No. 114-12.

Yes: Day, Divis, Galinas, Jech, Lime, Napoli, Tuma, Brochetti, Casselberry

No: None; motion carried. Resolution No. 114-12 is adopted.

ORDINANCE NO. 116-12

6/4/12

L-116-12

By: B. Day, A. Divis, M. Galinas, R.J. Jech, D. Lime, L. Napoli, S. Tuma,
B. Brochetti, M. Casselberry
(By Request – Safety Director)

AN ORDINANCE TO ENACT SUBSECTION (d)(3) OF SECTION 757.03
“LICENSE APPLICATION, FEE, REVOCATION AND SUSPENSION APPEAL”
OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA, AND
DECLARING AN EMERGENCY

Motion made by Councilman Day, seconded by Councilwoman Galinas to adopt Ordinance No.116-12.

Yes: Day, Divis, Galinas, Jech, Lime, Napoli, Tuma, Brochetti, Casselberry

No: None; motion carried. Ordinance No 116-12 is adopted.

ORDINANCE NO. 118-12

6/4/12

L-118-12

By: S.M. Tuma

(By Request – Mayor)

AN ORDINANCE TO AMEND A PORTION OF THE HEADING AND SECTION 1 OF ORDINANCE NO. 97-12 TO AMEND THE NAME OF THE LAW FIRM JOHNSON, MILLER & SCHMITZ LLP FOR LEGAL SERVICES FOR LABOR MATTERS INVOLVING UNITED STEEL, PAPER AND FORESTRY, RUBBER, MANUFACTURING, ALLIED INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION, NOW KNOWN AS PARMA SERVICE WORKERS LOCAL 1 COLLECTIVE BARGAINING UNIT AND DECLARING AN EMERGENCY

Motion made by Councilman Day, seconded by Councilwoman Galinas to adopt Ordinance No.118-12.

Yes: Day, Divis, Galinas, Jech, Lime, Napoli, Tuma, Brochetti, Casselberry

No: None; motion carried. Ordinance No 118-12 is adopted.

*Comments between Councilwoman Lime and Law Director Dobeck regarding the name change.

ORDINANCE NO. 119-12

6/4/12

L-119-12

By: S.M. Tuma

(By Request – Mayor)

AN ORDINANCE TO ACCEPT AN ADDENDUM TO EXHIBIT “A” OF ORDINANCE NO. 20-11 TO PROVIDE FOR LEGAL DESCRIPTIONS RELATIVE TO THE TRANSFER OF CERTAIN PROPERTIES TO THE CITY AND THE TRANSFER OF CERTAIN PROPERTIES TO THE LIBRARY FOR THE DEVELOPMENT OF A NEW LIBRARY TO BE LOCATED ON RIDGEWOOD DRIVE AND DECLARING AN EMERGENCY

Motion made by Councilman Day, seconded by Councilman Tuma to adopt Ordinance No.119-12.

Yes: Day, Divis, Galinas, Jech, Lime, Napoli, Tuma, Brochetti, Casselberry

No: None; motion carried. Ordinance No 119-12 is adopted.

*Lime stated that she is opposed to the closing of present libraries.

RECONSIDERATION:**RESOLUTION NO. 62-12**

4/2/12

L-62-12

BY: B. Day, B. Brochetti, M. Casselberry, A. Divis, M. Galinas, D. Lime, L. Napoli, S. Tuma

(By Request - Mayor)

A RESOLUTION DECLARING IT NECESSARY TO RENEW AN EXISTING TAX LEVY IN EXCESS OF THE TEN MILL LIMITATION FOR THE PURPOSE OF PROVIDING AND MAINTAINING MOTOR VEHICLES, COMMUNICATIONS, AND OTHER EQUIPMENT USED DIRECTLY IN

THE OPERATION OF THE POLICE DEPARTMENT, AND THE PAYMENT
OF SALARIES OF PERMANENT POLICE PERSONNEL, INCLUDING THE
PAYMENT OF THE POLICE OFFICER EMPLOYERS' CONTRIBUTION
REQUIRED UNDER SECTION 742.33 OF THE OHIO REVISED CODE,
AND DECLARING AN EMERGENCY

Motion made by Councilman Day, seconded to Councilman Tuma to reconsider Resolution No. 62-12. Motion carried.

Motion made by Councilman Tuma, seconded by Councilman Day to accept Substitute Resolution No. 62-12 which amend the language of the previous Resolution No. 62-12 as stated in the substitute legislation, and further moved to have a roll call vote on Rule 45 and Rule 48.

Mr. Jech – Shall the statutory provision and Rule 48 requiring the full and distinct reading of substitute Resolution No. 62-12 on three different days be dispensed with?

Yes: Day, Divis, Galinas, Jech, Lime, Napoli, Tuma, Brochetti, Casselberry

No: None; motion carried.

Mr. Jech – Shall Rule 45 requiring reference to committee be dispensed with and substitute Resolution No. 62-12 be placed on final passage?

Yes: Day, Divis, Galinas, Jech, Lime, Napoli, Tuma, Brochetti, Casselberry

No: None; motion carried.

Motion made by Councilman Day, seconded by Councilman Tuma to adopt substitute Resolution No. 62-12.

Yes: Day, Divis, Galinas, Jech, Lime, Napoli, Tuma, Brochetti, Casselberry

No: None; motion carried. Substitute Resolution No. 62-12 is adopted.

APPOINTMENTS AND CONFIRMATIONS

Councilman Casselberry – Stated that the Appointment Scanning Committee met to consider the request to reappoint Mr. Charles Jennings to the Cemetery Board. Charles Jennings term will expired on June 6, 2012. If approved, Mr. Jennings will have a three year re-appointment to expire on June 6, 2015.

Motion made by Councilman Casselberry seconded by Councilman Day to confirm the reappointment of Mr. Jennings as recommended by Mayor DeGeeter and the Appointment Scanning Committee of Council. Motion carried.

PUBLIC SESSION

Dorothy Hazel – 6601 W. Ridgewood Drive – Invited Administration and Council to attend the Greater Cleveland Trails and Greenway Conference this coming Wednesday and the reception at the Independence Tech Center from 5-7 PM.

MISCELLANEOUS BUSINESS

Safety Director – No Comment

Law Director – No comment.

Auditor – No comment.

Treasurer – No comment.

Motion made by Councilman Tuma seconded by Councilman Day to skip the round robin portion of the Council Meeting. Motion carried.

ADJOURNMENT

Motion made by Councilman Day seconded by Councilman Tuma to adjourn said meeting. Motion carried.

C E R T I F I C A T I O N

I, Kenneth A. Ramser, Clerk of Council for the City of Parma, Ohio, do hereby certify the above to be a true and correct copy of the Minutes from the Regular Council Meeting held on Monday, June 4, 2012.

KENNETH A. RAMSER
CLERK OF COUNCIL

ROY J. JECH
PRESIDENT OF COUNCIL PRO TEM

Meeting adjourned at 7:50 P.M.
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(Minutes completed June 11, 2012)